Synopsis for proposed research

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The registration of Ph.D. Degree in Law

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Research Topic

"LAWS RELATING TO OFFENCE AGAINST CHILDREN WITH SPECIAL REFERENCE TO PROTECTION OF CHILDREN FROM SEXUAL HARRASHMENT ACT (POCSO)"

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"LAWS RELATING TO OFFENCE AGAINST CHILDREN WITH SPECIAL REFERENCE TO PROTECTION OF CHILDREN FROM SEXUAL HARRASHMENT ACT (POCSO)"

Introduction

India is one of the largest countries in terms of population. Superficially population in the younger's age group. The proportion of child population in the age group of 0-6 years to total population is 13.1%. Children are considered to be the greatest resources of a nation but prevalent crime against children. Not only harms the future of the society. Violence against children is not just limited to India but is a threat that exists globally. Such incidents of trauma impact the overall development of a child and this can further result in adverse mental and physical health complications. Despite numerous legislation and guidelines available for the purpose of child protection, crimes against innocent children are at in all time high.

Nature of Crime Against Children:

Crime against children are not just limited to abuse, cruelty and violence but come in various other threating forms. Children in India face various forms of violence like neglect, abuse, assault, child trafficking, child pornography etc. There are various provisions laid down in the Indian laws to curb such offences. Major offence is enlisted below.

1) Cruelty : The act of violence and cruelty against a child after goes unnoticed because it is deeply embedded in the Indian culture. The offence against children violate art. 21 of the Indian Constitution and sections 323, 325, 352 etc. IPC.

2) Sexual Harassment : In India, a lot of young children. Fall victim to sexual harassment. Sexual abuse not only harms the child physically but also traumatize them.

3) Kidnapping : One of the most widespread offence against children is kidnapping. Kidnapping and abduction has been seen every day. The IPC code sec. 363 related to this offence.

4) Employment of child for begging : Children are forcefully employed for the purpose of begging.

5) Intoxicating a child : Children who fall prey to such kind of racket, are sometimes forced to consumer intoxication.

6) Child Pornography : It reference to the inducing or coercing a child or indulging a child in sexually explicit acts and recording them.

Among crime against children kidnapping and abduction continued to be the most prevalent in nature. Around 42% of the total reported cases. Apart from that, the other major crime against children include violation of protection of children from sexual offences, sexual assault and procuring of minor girls.

The effect of child sexual abuse include depression, anxiety, post-traumatic stress, disorder, physical injuries and mental injuries can remain longtime. Generally, in most of the cases the offender is acquainted with victim and around 30% of the abuse on children is being done by the family members itself. There are many reasons for crimes against children's few of them are mentioned below like : poverty, lack of awareness and carelessness by parents, society, internet, television etc.

Efforts being made against children offence:

At international level, there are efforts to prevent crime against children as that convention as the rights of the child (CRC), 2008 convention on the right of child (1989), UNICEF, etc. apart from the international efforts, like the juvenile justice (care and protection of children) Act 2015, The criminal law (Amendment) act 2013, National Commission for protection of child right, children (pledging of labour) act 1933. The bonded labour (Abolition) act 1976, The child labour (prohibition & regulation act 1986, The child abuse prevention and treatment act 1974 and recently central government of India enacted law to provide a robust legal framework for the protection of children from offences of sexual assault, sexual harassment and pornology. This law is known as 'Protection of Children Against Sexual Offences (POCSO) Act -2012'. Even if there were so many laws that protects children, crimes and violence against children are increasing.

Child abuse clearly has a negative impact on children and can result in behavioral cognitive, emotional and developmental difficulties. This may lead to

greater difficulties later in life that will extend into adulthood. However the consequences of crimes against children increasing in the recent scenario it is consider to be challenge to law enforcement, how to combat over such cases in order to make prevention.

Research Problem:

The following few research questions is set for study. This study mainly related to POCSO act 2012.

1) Does the POCSO act 2012 has any implication in creating India as a children paradise?
2) Does the role of citizens, judiciary and public help in reducing POCSO incidence?
3) Whether the act has fulfilled its purpose in Indian society?
4) The POCSO act is being misused as a 'Weapon of harassment'?
5) What are the limitation of POCSO act?

Literature Review

P.B. Behere, T.S. Sathyanarayan Rao, Akshata N. Mulmule, "Sexual abuse in women with special reference to children : Barriers, boundaries and beyond" Indian J. Psychiatry (2013) Oct.-Dec. : 55 (4) : 316-319

This article says that sexual abuse is the most common and aggressive behavior calculated to induce fear in all women, it means men have chosen to maintain control over women. Rape is the fastest growing crime in the country. Rape occurs in India every twenty minutes.

Heather Bacon, Sue Richardson, "Attachment theory and Child Abuse : An overview of the literature for practitioners" (2001) 10 (6) : 372-397

This article deals with how attachment theory can inform clinical work with abused children and adults. It mainly focuses on the victims of sexual abuse, their parent and careers and with adult survivors.

Himanshu Garg, "Law related to crimes against women and children" (2016) Ist edition, Bright law house, New Delhi

This book compile all laws related to crime against women and children. The main aim of this book is to generate awareness police personnel about the various provisions of these laws related to crimes against women and children. It also gone through the amendments recently made in the Juvenile Act and IPC. This book also suggests some legal awareness about the crime to the police, NGO and other groups.

Bharat Sing, "Crimes Against Children". Anmol Publisher (2004) 1 December

The crime rate is on rise now-a-days. So the author says that, the criminals and anti-social elements choose soft targets in society for their attack including children. The crimes against children include all sorts of misdeeds, like physical torture, molestation, exploitation, sexual abuse and forced labour, to name a few. This study covers all crimes that are commonly perpetrated against and suggests the remedies too. The book delves into the crux of the problem, bringing out startling facts about juvenile crime and shows what can be done to strengthen the social and legal aspects of society to bring about a lasting solution to the problem that has assumed alarming global proportions.

Scope and Limitation

The scope of the research study an extend to the types, causes, effects, implications and role of law to protect the children from all types of abuse focuses mainly on precedents and the relevant case laws. This research is limited to POCSO previous laws and POCSO law.

Objectives:

The some significance objectives are as following.

- To find out the loopholes in the POCSO act.
- To understand the relevant penal provisions of the act.
- To find out the purposes behind enacting act.
- To understand the national and international conventions for protection of children from sexual abuse.
- To find out the responsibilities of the society of curb sexual harassment against children.

- To study the impact of POCSO act after its enactment and enforcement.
- To study challenge and controversies in POCSO act.

Hypothesis

- This POCSO act is child friendly mechanism for reporting and recording.
- This special act is not infallible to protect children from sexual abuse.
- Enhancing the quality of life it is possible to restrict the POCSO incidence across the Indian states.
- POCSO is the gender neutral law.
- Most of the crime against children was committed by family, peer, caretakers and other known persons.

Research Methodology

My research specifically belongs to the category of Doctrinal research. In order to develop my study I have gone through various sources from where I have got these materials for the relevant topic. The primary sources include codes, statues and regulations formed under the statute. Whereas secondary sources includes books, journals, scholarly articles, websites, case laws, newspapers, reports of various bodies etc. This is basically a qualitative research.

Significance of the Research

The research significance is very crucial. This POCSO law is very important before this law all previous laws are general abuse against children but this POCSO law is related to sexual assault or abuse against children. The law is very comprehensive law so far in India. So, this proposed study focuses on this law features, punishment provisions, loopholes in act and will take review of implementation. So, this POCSO act has made a significant contribution in the cases of child abuse in India. It is a excellent form of legislations.

Chapter Scheme

Chapter-1 : History of the Law on Child Sexual Abuse

Chapter-2 : Legal Framework before and after POCSO Act 2012

Chapter-3 : Legal Structure and Features of POCSO Act 2012

Chapter-4 : Crimes Against Children Mentioned in POCSO Act 2012

Chapter-5 : Challenges and Controversies of POCSO Act 2012

Chapter-6 : Conclusion and Findings

Chapter-7: Recommendation and Suggestions

References

Primary Sources

Child Labour (Prohibition and Regulation) Act 1986

Constitution of India, 1950

Juvenile Justice (Care and Protection of Children) Act 2000

Prohibition of Child Marriage Act 2006

Protection of Children from Sexual Offences Act, 2012

Offences Against Children (Prevention) Bill

Sexual Offences Act 2003

Conventions and Treaties

Convention on the Rights of the Child, 1989

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

Declaration of the Rights of the Child, 1959

European convention on the exercise of children's rights, 1996

Books

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